

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DALE P. DAVIS,

Plaintiff,

v.

BRENDA POWERS, *et al.*,

Defendants.

No. C08-5751 RBL

**ORDER ADOPTING REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT AND
GRANTING DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT**

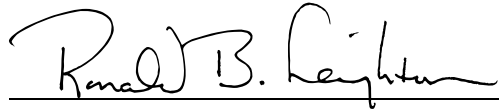
The Magistrate Judge recommends that this prisoner civil rights action be dismissed. The Plaintiff has filed objections to the Report and Recommendation. These objections are primarily directed to the Magistrate Judge's depiction of the facts. A thorough review of the record demonstrates that Plaintiff's factual objections are without merit. As detailed in the Report and Recommendation, the Defendants conduct did not constitute retaliation against the Plaintiff, did not violate Plaintiff's right to due process, and did not violate Plaintiff's right to equal protection. Finally, the Magistrate Judge correctly determined that Defendants are entitled to Eleventh Amendment Immunity.

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, and the remaining record, does hereby find and **ORDER:**

(1) The Court adopts the Report and Recommendation.

- 1 (2) Plaintiff's Motion for Judgment on the Pleadings (Dkt. 50) is **DENIED**;
2 Defendants' Motion for Summary Judgment (Dkts. 52 and 60) is **GRANTED**.
3 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for
4 Defendants and to the Hon. Karen L. Strombom.

5 DATED this 27th day of May, 2010.

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8 RONALD B. LEIGHTON
9 UNITED STATES DISTRICT JUDGE
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